

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

SONIA NOEMI SANTIAGO TORRES

DEBTOR

CASE NO 15-08710 BKT

CHAPTER 13

**DEBTOR'S REPLY TO TRUSTEE'S MOTION TO DISMISS
DOCKET NO. 35**

TO THE HONORABLE COURT:

COMES NOW, SONIA NOEMI SANTIAGO TORRES, the Debtor in the above captioned case, through the undersigned attorney, and very respectfully states and prays as follows:

1. The Chapter 13 Trustee filed a *Trustee's Motion to Dismiss*, Docket No. 35, stating that the Debtor has defaulted in the Plan payments to the Trustee in the sum of \$1,262.00, requesting the Court to dismiss the present case since "...this situation constitutes an unreasonable delay prejudicial to creditors...". *Trustee's Motion to Dismiss*, Docket No. 35, at paragraph 2.

2. In reply to the Trustee's motion to dismiss, the Debtor respectfully states that on July 02, 2020, the Debtor paid the sum of \$280.00, thus, reducing the alleged default to the sum of \$982.00. Attached is copy of Trustee's report to evidence said payment and outstanding balance as of July 09, 2020.

3. That the Debtor's confirmed Plan, Docket No. 11, provides for payments of \$140.00 for sixty (60) months for a total base of \$8,400.00.

4. That as of July 09, 2020, the Debtor has made 55.1143/56 payments = \$7,716.00 plus \$16.00 for a 2015 tax refund, for a total paid-in amount of \$7,732.00. See: Attached copy of Trustee's report dated July 09, 2020.

5. That the Debtor only owes a partial balance (\$124) on the July/2020 payment or payment number 56 of the Plan.

6. Notwithstanding, on February 13, 2020 the Debtor admitted owing the Trustee the sum of \$842.00, to cover for tax refunds received and not paid into the Plan for the tax years of 2017 and 2018. *Debtor's Motion in Compliance With Order to Show Cause Docket No. 23*, filed at Docket No. 27, in the above captioned case.

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Debtor's Reply to Trustee's Motion on Tax Refunds
Case no. 15-08710 BKT13

7. As proposed by the Debtor in the aforesaid *Debtor's Motion in Compliance With Order to Show Cause Docket No. 23*, the Debtor was to pay the outstanding balance owed on the tax refunds of \$842.00 "...on or before November 03, 2020, which is the date the 60th Plan payment becomes due." *Debtor's Motion in Compliance With Order to Show Cause Docket No. 23*, at paragraph 10, Docket No. 27.

8. On March 16, 2020, the Court issued an *ORDER*, Docket No. 33, granting the above mentioned motion in compliance with order to show cause.

9. Therefore, since the payment to the Trustee of the outstanding balance for the tax refunds (\$842.00) becomes due on November 03, 2020, said payment has not matured, thus, the Trustee's motion requesting dismissal appears to be "untimely".

10. Based on the abovestated, the Debtor respectfully understands that she [the Debtor] is substantially up-to-date in the confirmed Plan payments to the Trustee, only partially owing the current month of July, 2020, thus, there is no "cause" to dismiss the present case on these grounds.

11. The Debtor respectfully requests that for the above stated reasons, the Trustee's motion to dismiss, Docket No. 35, be denied.

WHEREFORE, based on the above stated, the Debtor respectfully prays that the *Trustee's Motion to Dismiss*, Docket No. 35, be denied.

I HEREBY CERTIFY that on this same date a copy of this notice was sent via electronically with the Clerk of the Court using CM/ECF systems which will send notifications of such to the Chapter 13 Trustee Jose R. Carrion Morales, Esq.; and to all CM/ECF participants; I also certify that I have mailed by United States Postal Service copy of this motion to the following non-participant: the Debtor, Sonia Noemi Santiago Torres, 91 Villas del Bosque Margarita Street Cidra PR 00739, in the above captioned case.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 9th day of July, 2020.

/s/ **Roberto Figueroa Carrasquillo**

USDC #203614

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Breakdown for Combined Schedules

| Period | Date (Month/Year) | Payment Due | Payment Received | Amount Due |
|--------|-------------------|-------------|------------------|------------|
| 1 | 12/2015 | \$140.00 | \$280.00 | (\$140.00) |
| 2 | 1/2016 | \$140.00 | | \$0.00 |
| 3 | 2/2016 | \$140.00 | \$140.00 | \$0.00 |
| 4 | 3/2016 | \$140.00 | \$140.00 | \$0.00 |
| 5 | 4/2016 | \$140.00 | \$140.00 | \$0.00 |
| 6 | 5/2016 | \$140.00 | \$140.00 | \$0.00 |
| 7 | 6/2016 | \$140.00 | \$140.00 | \$0.00 |
| 8 | 7/2016 | \$156.00 | \$156.00 | \$0.00 |
| 9 | 8/2016 | \$140.00 | \$140.00 | \$0.00 |
| 10 | 9/2016 | \$140.00 | \$140.00 | \$0.00 |
| 11 | 10/2016 | \$140.00 | \$140.00 | \$0.00 |
| 12 | 11/2016 | \$140.00 | \$140.00 | \$0.00 |
| 13 | 12/2016 | \$140.00 | \$140.00 | \$0.00 |
| 14 | 1/2017 | \$140.00 | \$140.00 | \$0.00 |
| 15 | 2/2017 | \$140.00 | \$140.00 | \$0.00 |
| 16 | 3/2017 | \$140.00 | \$140.00 | \$0.00 |
| 17 | 4/2017 | \$140.00 | \$140.00 | \$0.00 |
| 18 | 5/2017 | \$140.00 | \$140.00 | \$0.00 |
| 19 | 6/2017 | \$140.00 | \$140.00 | \$0.00 |
| 20 | 7/2017 | \$140.00 | \$140.00 | \$0.00 |
| 21 | 8/2017 | \$140.00 | \$140.00 | \$0.00 |
| 22 | 9/2017 | \$140.00 | \$140.00 | \$0.00 |
| 23 | 10/2017 | \$140.00 | | \$140.00 |
| 24 | 11/2017 | \$140.00 | \$280.00 | \$0.00 |
| 25 | 12/2017 | \$140.00 | \$140.00 | \$0.00 |
| 26 | 1/2018 | \$140.00 | \$140.00 | \$0.00 |
| 27 | 2/2018 | \$140.00 | \$140.00 | \$0.00 |
| 28 | 3/2018 | \$140.00 | \$140.00 | \$0.00 |
| 29 | 4/2018 | \$140.00 | \$140.00 | \$0.00 |
| 30 | 5/2018 | \$140.00 | \$140.00 | \$0.00 |
| 31 | 6/2018 | \$140.00 | \$140.00 | \$0.00 |
| 32 | 7/2018 | \$140.00 | \$140.00 | \$0.00 |
| 33 | 8/2018 | \$140.00 | \$140.00 | \$0.00 |
| 34 | 9/2018 | \$140.00 | \$140.00 | \$0.00 |
| 35 | 10/2018 | \$140.00 | \$140.00 | \$0.00 |
| 36 | 11/2018 | \$140.00 | \$140.00 | \$0.00 |
| 37 | 12/2018 | \$140.00 | \$140.00 | \$0.00 |
| 38 | 1/2019 | \$140.00 | \$140.00 | \$0.00 |
| 39 | 2/2019 | \$140.00 | \$140.00 | \$0.00 |
| 40 | 3/2019 | \$140.00 | \$140.00 | \$0.00 |
| 41 | 4/2019 | \$140.00 | \$140.00 | \$0.00 |
| 42 | 5/2019 | \$140.00 | \$140.00 | \$0.00 |
| 43 | 6/2019 | \$140.00 | \$140.00 | \$0.00 |
| 44 | 7/2019 | \$140.00 | \$140.00 | \$0.00 |

| | | | | |
|----|---------|----------|----------|------------|
| 45 | 8/2019 | \$140.00 | \$140.00 | \$0.00 |
| 46 | 9/2019 | \$140.00 | | \$140.00 |
| 47 | 10/2019 | \$140.00 | | \$280.00 |
| 48 | 11/2019 | \$140.00 | | \$420.00 |
| 49 | 12/2019 | \$140.00 | | \$560.00 |
| 50 | 1/2020 | \$156.00 | | \$716.00 |
| 51 | 2/2020 | \$982.00 | \$856.00 | \$842.00 |
| 52 | 3/2020 | \$140.00 | \$140.00 | \$842.00 |
| 53 | 4/2020 | \$140.00 | | \$982.00 |
| 54 | 5/2020 | \$140.00 | | \$1,122.00 |
| 55 | 6/2020 | \$140.00 | \$140.00 | \$1,122.00 |
| 56 | 7/2020 | \$140.00 | \$280.00 | \$982.00 |

Total Delinquent Amount: \$982.00

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Friendly 

FINANCIAL SUMMARY - CASE 15-08710

SONIA NOEMI SANTIAGO TORRES paying **\$140.00** MONTHLY

Receipts Rcpts/Deb Refunds Disbursements Adjustments Trustee Disb Trustee Adj [Show All](#)

Limits: [Select Start Date](#) [Select Claim ID](#) [Select Payee Name](#) Check Status: [Cleared](#) [Stale Dated](#) [Stop Payment](#) [Cancelled](#) [Voided](#) [Outst](#)

| Date | Payee | Payee Name | Source / Check | Description | Receipts | Disburs |
|------------|-------|------------|-----------------|---|----------|---------|
| 7/2/2020 | | | | EPAY-Regular Plan Payment | \$280.00 | |
| 6/30/2020 | | | | EPAY-Regular Plan Payment | \$140.00 | |
| 3/2/2020 | | | 000000000008135 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 2/6/2020 | | | 000000000002452 | LOCKBOX CORRECTIONS FTB | \$16.00 | |
| 2/5/2020 | | | 000000000002441 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$840.00 | |
| 8/6/2019 | | | 000000000006653 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 7/25/2019 | | | 000000000005392 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 6/27/2019 | | | 000000000004740 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 5/7/2019 | | | 000000000008567 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 4/10/2019 | | | 000000000004547 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 3/27/2019 | | | 000000000001386 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 2/8/2019 | | | 000000000006610 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 1/17/2019 | | | 000000000002032 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 12/4/2018 | | | 000000000000360 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 11/5/2018 | | | 000000000003166 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 10/5/2018 | | | 000000000008278 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 9/10/2018 | | | 000000000002140 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 8/8/2018 | | | 000000000002728 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 7/9/2018 | | | 000000000003571 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 6/8/2018 | | | 000000000004956 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 5/3/2018 | | | 000000000006042 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 4/4/2018 | | | 000000000005014 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 3/6/2018 | | | 000000000003828 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 2/2/2018 | | | 000000000006775 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 1/8/2018 | | | 000000000007424 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 12/11/2017 | | | 000000000008290 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 11/16/2017 | | | 000000000007216 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 11/13/2017 | | | 000000000004774 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 9/12/2017 | | | 000000000008935 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 8/1/2017 | | | 000000000009996 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 7/10/2017 | | | 000000000006248 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 6/5/2017 | | | 000000000001574 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 5/2/2017 | | | 000000000003001 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 4/3/2017 | | | 000000000005125 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 3/6/2017 | | | 000000000001685 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 2/2/2017 | | | 000004300021506 | DEBTOR PAYMENT REMITTED BY EMPLOYER DEDUCTION-FTB | \$140.00 | |
| 1/5/2017 | | | 000000000005641 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 12/5/2016 | | | 000000000004737 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 11/7/2016 | | | 000000000006938 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 10/3/2016 | | | 000000000007338 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 9/6/2016 | | | 000000000003517 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 8/5/2016 | | | 000000000009702 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 7/7/2016 | | | 000000000002957 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 7/7/2016 | | | 000000000002968 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$16.00 | |
| 6/8/2016 | | | 000000000008756 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 5/6/2016 | | | 000000000005991 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 4/1/2016 | | | 00000000000401 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 3/9/2016 | | | 000000000005080 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |
| 2/2/2016 | | | 000000000001034 | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 | |

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|------------|--|------------------|---|-------------------|
| 12/29/2015 | | 000000000006260- | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 |
| 12/4/2015 | | 000000000006248- | MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB | \$140.00 |
| | | | Totals: | \$7,732.00 |